

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In Re Application of:**

**Richard T. Oesterreicher, Craig Murphy,**

**Brian Eng, and Brad Jackson**

**Confirmation No.: 7933**

**Application No.: 10/609,433**

**Group Art Unit: 2186**

**Filing Date: June 27, 2003**

**Examiner: Sheng Jen Tsai**

**For: Adaptable Cache for Dynamic Digital Media**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**DECLARATION OF JACQUELINE M. NEUMAN**

1. I am the Docket Supervisor at Woodcock Washburn (the firm) and have worked in the firm's Docket Department for 29 years.

2. Mail is opened, sorted and date-stamped by the Support Services Personnel at the firm who are trained to identify, collect and forward all office actions to the Docket Department.

3. Once the mail has been opened, stamped and sorted by Support Services, the Docket Department is contacted and the sorted mail is reviewed again by the Docket Department to be certain all office actions and PTO notices have been collected for docketing.

4. The Docket Department then verifies the proper identification of each office action via the firm's computer docket system (IP Master). After proper identification,

each office action and notice is entered onto the firm's Mail Log, which serves as a written record for documents received from the U.S. Patent and Trademark Office (PTO) at the firm on a daily basis. The Docket Department personnel initial each action on the upper right hand corner. Copies of the firm's Mail Log for the period of January 31, 2008 through March 03, 2008 are attached as Exhibit A. The Mail Log has been redacted to avoid showing certain client-identifying information. However, except for this redaction, Exhibit A represents the actual Mail Log for the period stated.

5. After the mail is processed by the Docket Department, it is returned to Support Services for copying. When the copying is completed, the original actions and the copies are returned to the Docketing Department.

6. The Docket Department checks the copies and then distributes the originals to the appropriate secretaries and prosecution paralegals and retains the copies for processing of due dates, and the like.

7. Upon receipt of the original actions by the secretaries and/or paralegals, they, pursuant to instructions, look for the date stamp and the initials in the upper right hand corner of the action. These two notations together indicate that the action has been properly processed thus far and that a copy has been made for the Docket Department to assure that the action was entered into the firm's docket system and mail log. If either the date stamp or initials are missing, the secretaries and/or paralegals, pursuant to instructions, assume the action has not been properly processed and bring it to the attention of the Docket Department immediately.

8. Once the item is entered onto the docket software (IP Master), the item will appear on a Rolling Docket Report at the appropriate time frame for four weeks prior to the deadline and continuing until the deadline. The weekly docket reports are distributed to attorneys, secretaries and paralegals for monitoring purposes. A copy of the segment of the Rolling Docket Report covering items due April 30, 2008 is attached as Exhibit B and shows that nothing appears for this case in that time frame. Additionally, the Docket Department runs a special 2-day docket report check and E-mails attorneys and their secretaries of outstanding, non-extendible deadlines. Further the Docket Department receives daily an E-mail of the "Out List" for the firm which identifies persons who are not present at the firm. The Out List is prepared by the Receptionist so that the Docket Department can be made aware if an attorney or secretary was out. This would enable the Docket Department, to alert an alternate party, if necessary.

9. Once an Office Action or notice is responded to, the secretary or paralegal sends the Docket Department a Docket Process Form, a copy of which is attached as Exhibit C. The Docket Process Forms identify the case by country, serial number, filing date, due date, and client, and also identifies the communication sent to the PTO and the date it was sent. Each of these areas must match the computer record before a due date is removed. In this way, the Docket Department can safely remove a due date from the action field and place it in the action history of the records.

10. The firm never received the Notice of Allowance and Fees Due dated January 31, 2008 as is apparent from the attached Mail Log (Exhibit A). It is noted that

during this time period, many communications from the PTO were received. However, the communications received do not include a Notice of Allowance and Fees Due for Serial No. 10/609,433 (Docket No. \*\*BU-0126). If the Notice of Allowance and Fee Due had been received, it would have been logged in accordance with the foregoing procedures.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any registration issued thereon.

Date: July 21, 2008

*Jacqueline M. Neuman*

JACQUELINE M. NEUMAN

Docketing Department Supervisor